

St. Louis City Ordinance 64259

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 266

INTRODUCED BY ALDERMAN MARIT CLARK

An ordinance pertaining to safety belts, repealing Ordinance 59123, approved on April 10, 1984, and Ordinance 60668, approved on February 18, 1988, requiring persons transporting children under four years of age in motor vehicles to provide protection for said child in an approved passenger restraint system; requiring the driver and front seat passengers of passenger cars to wear safety belts, requiring children ages 4-15 years to wear safety belts regardless of seat position, vehicle type, or licensed weight of vehicle, requiring each persons under the age of 18 years to wear safety belts when operating or riding in a truck, regardless of licensed gross weight; containing definitions, exceptions, a penalty clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance 59123, approved on April 10, 1984 and Ordinance 60668, approved on February 18, 1988, are hereby repealed.

SECTION TWO. Child Passenger Restraint Systems.

1. Every person transporting a child under the age of four years in a motor vehicle within the City of St. Louis shall provide for the protection of such child. Such children shall be protected by a child passenger restraint system approved by the Missouri Department of Public Safety.
2. The provisions of this section shall not apply to any public carrier for hire.
3. Each driver who is found guilty or enters a plea of guilty to a violation of this section may be punished by a fine of not more than twenty-five dollars and court costs.
4. In no event shall failure to employ a child passenger restraint system required by paragraph A of this section provide the basis for a claim of criminal or civil liability or be admissible as evidence in the trial of any civil or criminal action, other than a prosecution for violation of this section.

SECTION THREE. Safety Belts

1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this city, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this city shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in section 210.104, RSMo. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a safety belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

3. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, shall secure the child in a properly adjusted and fastened safety belt.

4. If there are more persons than there are safety belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section.

5. Each driver who is found guilty or enters a plea of guilty to a violation of this section shall be assessed a fine not to exceed ten dollars. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this ordinance. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this ordinance.

SECTION FOUR. EMERGENCY CLAUSE.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/05/97	12/05/97	PS		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/16/98			01/23/98	01/30/98
ORDINANCE	VETOED		VETO OVR	
64259				